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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,173	05/03/2001	Michael Wayne Brown	AUS920010221US1	7656
24033	7590	02/12/2004	EXAMINER	
KONRAD RAYNES & VICTOR, LLP 315 S. BEVERLY DRIVE # 210 BEVERLY HILLS, CA 90212			FARKHONDAR, FARIMA	
			ART UNIT	PAPER NUMBER
			2681	7

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,173

Applicant(s)

BROWN ET AL.

Examiner

Farima Farkhondar

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 13-15, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi et al., US Patent 5881231.

Regarding claims 1, 13, and 25, Takagi discloses a method for providing user location information for a personal information management program (column 4, lines 32-40), comprising: providing a plurality of records for a user of a wireless device, wherein each user record includes at least one position coordinate and an associated time indicating a location of the wireless device at the time and the position coordinate (column 10, lines 32-34, note "information managed in form of files" reads on "records", see lines 20-22 for coordinates and time, see also lines 29-31 for time, and lines 43-45 for position coordinates, see also figure 9 for records); providing records for transmitting devices, wherein each transmitting device record includes at least one position coordinate and an associated location description providing information on the position coordinate in the records (column 10, lines 38-51, note logical information, such as name of building); and adding the location description from at least one of the transmitting device records

to at least one record associated with the user of the wireless device (column 10, lines 56-65, and column 12, lines 57-63).

Regarding claims 2, 14, and 26, Takagi further discloses determining one transmitting device record including one position coordinate that is within a proximity to one position coordinate in one user record, wherein the location description from the determined transmitting device record is added to the user record having the position coordinate within the proximity to the position coordinate of the determined transmitting device record (Takagi - column 10, lines 56-65, and column 12, lines 56-64).

Regarding claim 3, 15, and 27, Takagi further discloses transmitting devices comprise wireless devices associated with other users (Figure 1, Terminal 10) and fixed location transmitters associated with a location providing information on a location (Figure 1, network 30, see also column 10, lines 54-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-8, 16-20, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al., US Patent 5881231, in view of Koshima, US Patent 6415155.

Regarding claims 4, 16, and 28, the user records of Takagi does not includes a list identifying one or more transmitting devices within a proximity to the wireless device of the user. However, Koshima teaches a list identifying one or more transmitting devices within a proximity to the wireless device of the user (Abstract – lines 1-4). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Takagi with the above teachings of Koshima in order to provide position information that allows identification of the position of each identified transmitter that is in the proximity of the user (as suggested by Koshima, abstract, lines 1-4).

Regarding claims 5, 17, and 29 the combination of Takagi and Koshima further discloses the added location description is from one record for one transmitting device identified in the list (Takagi – column 10, lines 43-51, and column 12, lines 57-64).

Regarding claims 6, 18, and 30, the combination of Takagi and Koshima further discloses determining one record for one of the transmitting devices identified in the list including one position coordinate within a proximity to one position coordinate of one user record, wherein the location description from the determined transmitting device record is added to the user record having the position coordinate within the proximity to

the position coordinate of the determined transmitting device record (Takagi - column 10, lines 56-65, and column 12, lines 56-64).

Regarding claims 7, 19, and 31, the combination of Takagi and Koshima further discloses receiving, with the user wireless device, wireless transmissions from proximate transmitting devices, wherein each wireless transmission identifies one transmitting device; and adding to the list each transmitting device identified in each wireless transmission (Koshima – abstract, lines 1-4).

Regarding claims 8, 20, and 32, the combination of Takagi and Koshima further discloses transmitting devices identified in the list are in the proximity of the position coordinate in the user record including the list (Takagi – column 10, lines 56-65).

5. Claims 9, 11, 21, 23, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al., US Patent 5881231, in view of Orlen et al., US Patent US Patent 5579535.

Regarding claim 9, 21, and 33, Takagi does not disclose searching a database of transmitting device records to determine one transmitting device record including one position coordinate within a proximity to the position coordinate in one user record, wherein the location description from the determined transmitting device record is added to the user record having the position coordinate within the proximity to the

position coordinate of the determined transmitting device record. However, Orlen discloses disclose searching a database of transmitting device records (column 4, lines 28-30) to determine one transmitting device record including one position coordinate within a proximity to the position coordinate in one user record, wherein the location description from the determined transmitting device record is added to the user record having the position coordinate within the proximity to the position coordinate of the determined transmitting device record (column 4, lines 26-48). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Takagi with the above teachings of Orlen because in a public telepoint system, such as the personal communication system described as the preferred embodiment, there may be hundreds, or even thousands, of telepoint base stations included within the personal communication system. It is not always feasible, therefore, to display a coverage map of the entire personal communication system. Rather, the telepoint base stations within a limited geographic area, such as a small suburb, may be represented by the icons on the coverage map. When the portable radiotelephone user relocates to a different geographic area, different positional information, stored by a different cluster of telepoint base stations, can be transmitted to the portable radiotelephone for generation of a different coverage map (as suggested by Orlen, column 4, lines 35-48).

Regarding claim 11, 23, and 35, the combination of Takagi and Orlen further discloses at least one transmitting device record indicates a location boundary defining multiple position coordinates, wherein the location description in the transmitting device record

provides information on the location boundary (Orlen - column 4, lines 30-34, note "vicinity of a given telepoint base station", reads on "location boundary").

6. Claims 10, 12, 22, 24, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al., US Patent 5881231, in view of Fan et al., US Patent 6529159.

Regarding claim 10, 22, 34, Takagi does not disclose the transmitting device records further provide a time associated with the position coordinate indicating a time the transmitting device was located at the position coordinate. However, Fan discloses the transmitting device records further provide a time associated with the position coordinate indicating a time the transmitting device was located at the position coordinate (column 5, lines 15-19). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Takagi with the above teachings of Fan in order to have the time associated with the coordinates of a transmitter when the transmitter is not in a fixed location, since the time of coordinates become necessary in order to approximate the position of a moving transmitter with respect to a wireless device.

Regarding claims 12, 24, and 36, Takagi does not disclose the location description added from the transmitting device record to the record associated with the user includes a multimedia file providing information in a multimedia format on the location.

However, Fan discloses the location description added from the transmitting device record to the record associated with the user includes a multimedia file providing information in a multimedia format on the location (column 5, lines 24-27). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Takagi with the above teachings of Fan in order to response to the query in text, graphical or audio form (as suggested by Fan, column 5, lines 22-23).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 6363323, Jones. Apparatus and method for monitoring travel of a mobile vehicle. A vehicle tracking system includes a sensor (e.g., a GPS sensor) and a vehicle control unit (VCU) attached to a vehicle. The sensor determines the vehicle's location based on positioning signals received from a plurality of satellites. The VCU compares the vehicle's location to a predefined schedule.

US Patent 6144971, Sunderman et al. System for comparing an agent activity with a work schedule. A schedule adherence system for a plurality of agents having a device for defining a daily work schedule for the agents, a device for determining the actual activity of the agents and comparing the activity of the agents with the work schedule, a device for defining threshold limits for the variance between the actual activity of the

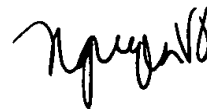
agents and the work schedule, and a device for indicating when the variance between the actual activity and the work schedule is an amount greater than the threshold limits .

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farima Farkhondar-Tonsey whose telephone number is 703-305-6285. The examiner can normally be reached at 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vo Nguyen can be reached on 703-308-6728. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.

Farima Farkhondar-Tonsey
Examiner
February 9, 2004



NGUYENT. VO
PRIMARY EXAMINER